

Electronically Filed

INTERVIEW SUMMARY Address to: Mail Stop AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Attorney Docket No.	AERX-134
	Confirmation No.	1995
	First Named Inventor	GULBINS, Erich
	Application Number	10/524,815
	Filing Date	February 18, 2005
	Group Art Unit	1627
	Examiner Name	Jean-Louis, Samira JM
	Title:	"Prophylaxis and Treatment of Infectious Diseases"

Sir:

This Communication summarizes the interview conducted between the undersigned accompanied by David Cipolla of Aradigm Corporation with Examiner Samira Jean-Louis and Supervisory Primary Examiner Sreeni Padmanabhan. The interview was a telephone interview conducted on May 25, 2010.

During the interview the published letter to Baillie was briefly discussed and the Examiner's agreed that Baillie provided a negative teaching with respect to the present invention by teaching that decreasing the dose of the antidepressant decreased the viscosity of sputum. Accordingly, rejections involving the Baillie reference were withdrawn.

U.S. Patent 6,608,101 to Ni et al. was then discussed. It was pointed out that Ni et al. is primarily involved with disclosing a compound of structural formula I which is defined in the reference at a number of places including column 152 at line 21 through column 153, line 35. It was agreed that the general structural formula and possible substituents disclosed an extremely large number of compounds and likely disclosed many billions of compounds.

Next, it was pointed out that Ni et al. disclosed that one embodiment includes using the compound of structural formula I in combination with a second compound and the list of possible second compounds is disclosed at different places in the Ni patent such as at column 45, line 57 through column 49, line 40. Hundreds of different possible "second" compounds and classes of compounds are disclosed. Within that disclosure there is a mention of tricyclic antidepressants at column 47, line 39.

The following additional points were made with respect to Ni et al.:

- (1) Ni et al. do not show any results (*in vitro* or otherwise) with respect to the use of any of the compounds listed at column 47, line 30 through column 49, line 40;

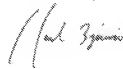
- (2) Ni et al. do not show that the compounds of formula (I) can treat any disease;
- (3) Ni et al. do not show that VCAM-1 is involved in cystic fibrosis;
- (4) Ni et al. do not disclose any compounds being administered by inhalation; and
- (5) Ni et al. do not show any compound useful in the treatment of cystic fibrosis.

Notwithstanding the Examiner's agreement with respect to the points above the rejection of claims 40-46 over Ni et al. as taken in combination with secondary references was maintained.

The Examiner's proposed amendments to independent claim 47 which the Examiner's felt would place that claim as well as the claims dependent thereon in a condition for allowance. Applicants indicated they would consider amending claim 47 and cancelling claims 40-46.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AERX-134.

Respectfully submitted,
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By: _____

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